

## **UTAH RADIATION CONTROL BOARD**

**MINUTES OF THE UTAH RADIATION CONTROL BOARD MEETING, March 7, 2003,  
Department of Environmental Quality (Bldg. #2), Conf. Room 101, 168 North 1950 West,  
Salt Lake City, Utah.**

### **BOARD MEMBERS PRESENT**

Stephen T. Nelson, Ph.D., Chairman  
Gary L. Edwards, M.S., Vice Chairman  
William J. Sinclair, M.S.E.H., Executive Secretary  
Kent J. Bradford, P.G.  
Thomas K. Chism, M.S.  
Royal I. Hansen, J.D.  
Rod O. Julander, Ph.D.  
Linda M. Kruse, M.S.  
Karen S. Langley, M.S.  
Dianne R. Nielson, Ph.D., Exec. Director of DEQ  
Gregory G. Oman, D.D.S., B.S.  
Robert S. Pattison, B.Sc.  
John W. Thomson, M.D.  
Gene D. White, Commissioner

### **BOARD MEMBERS ABSENT/EXCUSED**

(None)

### **DRC STAFF/OTHER DEQ MEMBERS PRESENT**

Boyd Imai, DRC Staff  
Craig Jones, DRC Staff  
Laura Lockhart, Attorney General's Office  
Fred Nelson, Attorney General's Office  
Yoli Shropshire, DRC Staff

### **PUBLIC**

Kenneth L. Alkema, Envirocare of Utah, Inc.  
Mark Ledoux, Envirocare of Utah, Inc.  
Michelle R. Rehmann, IUC (USA)  
Dan Shrum, Envirocare of Utah, Inc.  
Ken Sleight, Sierra Club  
Patrick Thomas, Adamson & Associates  
Carolyn White, Citizen

## **GREETINGS/MEETING CALLED TO ORDER**

The Utah Radiation Control Board convened in the DEQ Building #2, Room 101, 168 North 1950 West, in Salt Lake City, Utah. The meeting was called to order at 2:05 p.m. by Dr. Stephen Nelson, Chairman of the Board. Dr. Nelson welcomed all members and public attending the meeting. Dr. Nelson asked those present to indicate they wanted to address items on the agenda on the public sheet as they signed in. Those desiring to comment would be given a chance to address their concerns prior to the end of the Board meeting.

### **I. APPROVAL OF MINUTES (Board action items)**

#### **a. Approval of January 3, 2003 Minutes**

Stephen Nelson asked Board members if there were any corrections or changes to the minutes. No changes were made.

Dianne Nielson made a motion to approve the minutes of January 3, 2003, seconded by Karen Langley.

**CARRIED AND APPROVED UNANIMOUSLY**

#### **b. Approval of February 10, 2003 Minutes (teleconference meeting)**

Stephen Nelson asked Board members if there were any needed corrections or changes to the minutes. No changes were made.

Rod Julander made a motion to approve the minutes of February 10, 2003, seconded by Greg Oman.

**CARRIED AND APPROVED UNANIMOUSLY**

### **II. RULES**

#### **a. Proposed changes to R313-25-1, "Purpose and Scope" and R313-25-3, "Siting Criteria and Pre-licensing Plan Approval for Commercial Radioactive Waste Disposal Facilities"— to public comment (Board action item)**

Bill Sinclair proposed that action on Item II.a. be postponed until after the transportation discussion. Following the transportation discussion, he reported that, at the November 19, 2002 hearing on Envirocare's license to accept containerized Class A, B, and C low-level radioactive waste, the Board directed the Executive Secretary to examine rule R313-25-3 and propose changes as needed. As a result of the discussion at the last Board meeting, it was determined that the Board wanted to have the presentation on transportation/emergency response coordination prior to taking a final vote on whether to send the proposed rule to public comment. At the January 2003 Board meeting, he went over the proposed changes to the rules. Since that time, one additional change was identified that should be considered as part of the rulemaking. It is recommended that R313-25-8 be added that requires evidence be provided such that there is to be an assumption of state or federal ownership in the future of the site.

With this change, the Executive Secretary recommended that the Board approve proposed changes to R313-25-1, "Purpose and Scope" and R313-25-3, "Siting Criteria and Pre-licensing Plan Approval for Commercial Radioactive Waste Disposal Facilities," be filed with the Division of Administrative Rules to go out for a 30-day public comment period.

Gene White made a motion that the rule changes as proposed go out for a 30-day public comment period, seconded by Kent Bradford.

**CARRIED AND APPROVED UNANIMOUSLY**

**b. Proposed changes to R313-12, "General Provisions and R313-28, The Use of X-Rays in the Healing Arts" - final approval (Board action item)**

Craig Jones reported that at the December 6, 2002, Board meeting, information was provided regarding some proposed changes to R313-12 and R313-28. The changes to R313-12-3, "Definitions," clarify and add definitions for some licensed disciplines of the healing arts. Changes to R313-28 address concerns the Utah Radiation Control Board had with the exposure of healthy individuals to x-rays.

The Board approved the filing of the proposed changes with the Division of Administration Rules. Summaries of the changes were published in the January 1, 2003, edition of the Utah State Digest. A public notice announcing the start of a 30-day public comment period was published on December 31, 2002, in the Salt Lake Tribune and The Deseret News. During the public comment period, no oral or written comments were submitted to the Executive Secretary.

Craig indicated that the Executive Secretary's recommendation is that the Board approve these changes to the Utah Radiation Control Rules and establish March 14, 2003, as the effective date.

Gary Edwards made a motion to accept the recommendations made by the Executive Secretary, seconded by Royal Hansen.

**CARRIED AND APPROVED UNANIMOUSLY**

**c. Proposed changes to R313-19-100, "Transportation"- to public comment (Board action item)**

Julie Felice indicated that the Division is proposing changes to R313-19-100, "Transportation." In the proposed changes R313-19-100, the incorporation by reference of 10 CFR 71, is updated from the 1998 edition to the 2002 edition. Julie then discussed in detail other changes that relate to compatibility with federal regulations involving this rulemaking.

**Questions by Board Members:**

Kent Bradford asked, that if these changes were adopted, would this be something that would need to be communicated to companies that hold generator site access

permits to the Envirocare facility so that they are aware of these changes.

Bill explained that this rule was a national rulemaking, so carriers would be aware of proposed changes by the NRC. Bill indicated that Agreement States have three years to adopt any new proposed NRC rulemaking, which is what DRC is doing by adopting these changes to the rule within the time frame.

Julie indicated that the Executive Secretary's recommendation is that the Board approve the proposed changes to the Utah Radiation Rules, file the changes for rulemaking with the Division of Administrative Rules, and provide notice to the public of a 30-day comment period.

Karen Langley made the motion to file the changes and to give notice to the public of a 30-day comment period, seconded by Kent Bradford.

#### **CARRIED AND APPROVED UNANIMOUSLY**

**d. Approval of non-substantive change to R313-24-1, effective January 1, 2003 (Board information item)**

Bill Sinclair informed the Board that on January 1, 2003, the Division of Administrative Rules approved a non-substantive change to recently approved R313-24-1, "Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements, Purpose and Scope." To satisfy the NRC and make the sentence grammatically correct, an "in" was inserted in sentence one of R313-24-1 (1) so the sentence now reads: "The purpose of this rule is to prescribe requirements for possession and use of source material in milling operations such as conventional milling, in-situ leaching, or heap-leaching." Bill wanted the Board to be aware of this change since non-substantive changes are not brought back to the Board prior to re-filing with Administrative Rules.

### **III. RADIOACTIVE MATERIALS LICENSING/INSPECTION**

No items

### **IV. X-RAY REGISTRATION/INSPECTION**

No items

### **V. RADIOACTIVE WASTE DISPOSAL**

**a. Receipt of siting application for commercial low-level radioactive facility - Cedar Mountain Environmental, Tooele County, Utah (Board information item)**

Bill Sinclair indicated that on January 30, 2003, the Division received a siting application for a new commercial low-level radioactive waste facility from Cedar Mountain Environmental. Cedar Mountain Environmental has proposed establishing a new facility within Section 29, T1S, R11W of approximately 315 acres in Tooele County, Utah. The site is within the boundaries of the Tooele

County Hazardous Waste Industries Zone and immediately north of the current Envirocare site. A portion of the site is currently occupied by Broken Arrow, Envirocare's current earth moving contractor. The application was submitted by Charles A. Judd, former President of Envirocare of Utah, Inc.

Bill continued by stating that the entire application upon submittal was declared "business confidential." "Business confidential" information, under Utah government record access law, cannot be disclosed to the public. On February 5, 2003, the Executive Secretary denied the request by Cedar Mountain Environmental to retain the siting application information as "business confidential." On February 7, 2003, Cedar Mountain Environmental determined not to appeal the Executive Secretary's decision to the State Records Committee and withdrew its request to maintain the application as "business confidential." In addition, the Executive Secretary requested information on February 12, 2003, regarding a provision in the Radiation Control Act, 19-3-105(3) which provides that the Board may suspend acceptance of further applications for new facilities upon a finding that such facilities cannot be overseen for license compliance, monitoring, and enforcement. A request was made of Cedar Mountain Environmental to provide documentation that necessary revenues would be generated or provided such that DRC could maintain the same level of regulatory oversight at Cedar Mountain that is at the Envirocare facility. A response was received from Cedar Mountain on March 4, 2003, which is undergoing review by the Division.

**b. Proposed license amendment #16 - Envirocare of Utah - in public comment March 3 - April 3, 2003 (Board information item)**

Boyd Imai updated the Board on the proposed Envirocare license amendment #16 and stated to Board Members that in the Board Supplemental Information packet, a copy of the Statement of Basis is provided which describes two major changes and lists several minor typographical corrections. Boyd said that these changes to the Radioactive Material License held by Envirocare of Utah would be captured in Amendment 16 of License Number UT2300249.

Boyd informed the Board that the first major change specified conditions addressing criticality concerns where liquid wastes containing Special Nuclear Material may be stored and processed safely. These conditions are prescribed in an Order modification issued by the U.S. Nuclear Regulatory Commission (NRC) that appeared in the February 13, 2003, "Federal Register." He continued by stating that License Condition 13, that currently addresses Special Nuclear Material contained in solid wastes, has been modified and expanded to adopt the NRC's specifications for liquid wastes. This means that Envirocare will be authorized to receive, treat, store, and dispose of liquid wastes containing Special Nuclear Materials with the assurances that the protection of health, safety and the environment will not be compromised.

Boyd said that the second major change focused on waste treatment and processing in general. The need for assuring that the radioactivity does not become concentrated to unacceptable levels during treatment prompted a

requirement that, prior to receiving waste for treatment, Envirocare will evaluate and document that after treatment the resultant waste will not be a Class B nor Class C low-level radioactive waste. Most processes will add materials to the waste, thus reducing the concentration; however, some separation processes like thermal desorption can increase the radioactivity concentrations by removing non-radioactive fractions.

Boyd said that additionally, because the Licensee is treating as well as disposing waste, license conditions have been added that establish additional requirements for tracking processed waste. The remaining changes are minor typographical corrections and are listed in the draft Statement of Basis.

Public notices regarding the proposed license amendment were submitted to the Salt Lake Tribune, The Desert News, and the Tooele - Transcript-Bulletin. The 30-day comment period on the proposed changes commenced on Monday, March 3, 2003.

**c. Discussion of emergency response coordination relating to radioactive material/waste shipments - as result of November 19, 2002 hearing (Board information item/possible action item)**

As requested by the Board following the November 19, 2002, administrative hearing, Bill Sinclair gave a PowerPoint presentation on radioactive waste transportation issues. The presentation may be accessed on the DRC website at:

[http://www.radiationcontrol.utah.gov/RAM/RAMTrans\\_files/frame.htm](http://www.radiationcontrol.utah.gov/RAM/RAMTrans_files/frame.htm)

As a result of the presentation, Bill Sinclair made the following recommendations to the Board in terms of what the Division intends to do:

1. Brief Utah Local Emergency Planning Committees regarding training opportunities and DEQ/DRC capabilities
2. Continue training and exercises (as available)
3. Clarify on-site emergency responsibility through rulemaking for commercial radioactive waste disposal facilities (R313-25-3)

**VI. URANIUM MILL TAILINGS UPDATE (Board information items)**

**a. Submission of Final Application for amended Agreement to NRC of January 8, 2003**

Bill Sinclair stated that the Division submitted the final application to the Nuclear Regulatory Commission who received it on January 8, 2003. The final application was submitted with a cover letter from Governor Leavitt formally requesting an amended Agreement in which the Commission will discontinue, and the State of Utah will assume, certain regulatory authority for by-product material as defined in Section 11e.(2) of the Atomic Energy Act, as amended. Governor Leavitt requested that the amended Agreement become effective October 1, 2003. NRC has been reviewing the final application and we expect to receive comments shortly on the application review and we are in the midst of also arranging a

meeting with appropriate NRC staff to resolve remaining comments and discuss the transition with the Region and Headquarters.

**b. Moab Millsite – Summary of Public Scoping meetings for Environmental Impact Statement and Groundwater /subcommittee Meeting of February 3-4, 2003, Moab, Utah**

Loren Morton updated the Board on this item. The chart below provides a summary of the meetings and discussions that took place.

3/09/03

Uranium Mill Tailing Activities Since – December 6, 2002

Date	Activity/Description		
Moab Uranium Mill Tailings Project, Near Moab, Utah			
January 21 - 28, 2003	<b>DOE Public Scoping Meetings</b> – including six (6) different meetings held in four (4) cities, each briefly summarized below:		
	Location	Date / Time	Summary
	Green River	Jan. 21 6:00 p.m.	DOE announced that it had received a new relocation proposal from UMETCO / Nielsen Trucking to co-locate the Moab tailings next to the Green River Title I tailings pile. <b>Persons in Attendance: ~ 12</b>
	Moab	Jan. 22 6:00 p.m.	Most expressed support for moving the tailings pile. Some encouraged DOE to actively involve the community in the EIS process and accurately document all public proceedings. Several raised concerns regarding possible health risks to the public that the pile may pose, both currently and during any removal activities. Some interest expressed by Grand County to become a Cooperating Agency (Councilman Rex Tanner). Several technical questions regarding control of run-on, contaminated run-off, discharge of contaminated leachates to groundwater and impacts to Colorado River water quality <b>Persons in Attendance: ~ 49</b>
	Blanding	Jan. 23 9:00 a.m.	White Mesa Ute Tribal Community Center – majority of those in attendance were against relocating the Moab Tailings to White Mesa. Several expressed concerns regarding current health impacts of the IUC uranium mill on public health and the environment (air and groundwater pollution). Many mentioned need to protect local groundwater quality for drinking water, a concern made more acute by recent drought. Ron Hochstein, IUC President, expressed respect for local Ute opinions and encouraged open dialogue between company and tribal members. <b>Persons in Attendance: ~50</b>
		Jan. 23 2:00 p.m.	Navajo Tribe Meeting – several suggested that meeting should have been held on the Navajo Reservation to facilitate greater attendance. Opinion was split between those concerned for public health and the environmental risk tailings relocation to White Mesa may pose, and the potential employment benefits to the Navajo community. <b>Persons in Attendance: ~32</b>

Date	Activity/Description		
		Jan. 23 6:00 p.m.	<p>Majority expressed support for relocation proposal to the IUC White Mesa facility, with many interested in employment opportunities that would come to Blanding. Local water districts expressed interest in re-use of the slurry pipeline to transfer Colorado River water to Blanding for irrigation and municipal use after completion of relocation project. Several Bluff residents expressed concern for public health and the environment risk from White Mesa disposal option (groundwater pollution).  <b>Persons in Attendance: ~60</b></p>
	East Carbon	Jan. 28 6:00 p.m.	<p>Several concerns raised about air pollution and dust control needed to prevent adverse exposure to the local community from tailings relocation to ECDC. Some recalled original ECDC promise to local community that ECDC would not dispose of “hazardous waste” at the East Carbon facility. Some interest expressed in East Carbon City becoming a Cooperating Agency in the EIS process. Several concerned that relocating the pile to ECDC would only relocate the problem to another community and eventually result in future pollution of the Green and Colorado Rivers.  <b>Persons in Attendance: ~48</b></p>
February 4, 2003	<p><u>Moab Mill Groundwater Subcommittee Meeting</u> – summary of major issues discussed during a recent technical meeting in Moab, Utah is as follows:</p> <ol style="list-style-type: none"> <li>1. <u>DOE Interim Remedial Action (Pump and Treat) Project</u> – due to recent low river stage, DOE has changed the targeted area for the pumping wells, from a zone adjacent to the river’s “backwater” area to one of the two ammonia plumes found on-site. The second ammonia plume, which exhibits higher contamination levels, will not be intercepted at this time. Pumping well field will include 10 wells located about 25 feet apart. Contaminated groundwater will be discharged to an evaporation pond to be constructed on top of the tailings pile. Details and for the evaporation system are still in design phase at DOE. Construction to begin in May, 2003 and be in operation by September 2003.</li> <li>2. <u>DOE Study of Vertical Groundwater Hydraulic Gradients Near River</u> – evidence from nested piezometers installed at three (3) different locations near the Colorado River have radically altered the conceptual groundwater model for the facility, as follows: <ol style="list-style-type: none"> <li>a. Upstream of Moab Wash - the Colorado River loses water to the alluvial aquifer. Groundwater at the water table also found to flow downward to deeper depths. Said river water recharge to the aquifer may strongly influence dissolution of the Paradox Salt Formation at depth.</li> <li>b. Near Moab Wash Confluence and Tailings Pile – horizontal groundwater flow is apparent in this area, suggesting that tailings pile contamination may flow UNDER the river. Additional studies will be required to determine flow directions, fate of the tailings contamination, and ascertain all potential points of exposure.</li> <li>c. Downstream of Tailings Pile – upward flow of groundwater found here indicates that the Colorado River is a gaining stream. Tailings pile contamination in this area will not migrate under the river, but will discharge to it.</li> </ol> <p>Because of these findings, DOE agreed to conduct additional studies to evaluate groundwater / surface water interactions, and better assess fate of the tailings contamination.</p> </li> </ol>		



Date	Activity/Description
	<p>3. <u>DOE Subsurface Geologic Data</u> – two key findings have been made thanks to recent DOE borings / wells installed at the facility, including:</p> <ul style="list-style-type: none"> <li>a. River Migration – geologic evidence confirms that the ancestral Colorado River has migrated freely across the tailings site in the geologic past, in that river deposited gravels have been found in the subsurface at locations both north of the tailings pile and Highway 191.</li> <li>b. Salt Related Subsidence – a fossil wood fragment found at a depth of about 116 feet in a boring in the former mill site area suggests that the ground surface has in the past subsided, in response to dissolution of the underlying Paradox Salt Formation, at a rate of more than 2 feet / 1,000 years.</li> </ul>
	<p>4. DOE Tailings Pile Seepage Model – predicts that: 1) the current pile is near a steady-state consolidation condition over most of the topslope area, and 2) the wick drain system will cease to force leachate to the top surface in about 1 year. However, wick drain system life can be extended and pile consolidation accelerated with additional loading of the top surface.</p>
	<p>5. DOE Subpile Soil Contamination Study – comparison of soil contamination found underneath the tailings pile with a nearby background location has generated at least two (2) findings:</p> <ul style="list-style-type: none"> <li>a. Contaminant Migration – soil contamination underneath the pile appears to have migrated about 10 feet into the vadose zone. As a result, DOE will need to over-excavate at least 10 feet of the pile foundation to recover the pile contamination, and</li> <li>b. Residual Soil Contamination – any re-wetting of the residual soil contamination found under the tailings pile in the vadose zone has the potential to form a continuing source of groundwater pollution, particularly along the southeast margin of the pile.</li> </ul>

## **VII. OTHER DEPARTMENT ISSUES**

### **a. Appointment of Acting Executive Secretary during Executive Secretary's absences (Board action item)**

Bill Sinclair recommended that Dane Finerfrock be appointed by the Utah Radiation Control Board as Acting Executive Secretary during the absence of the Executive Secretary. As "Acting," Dane would be able to facilitate signing of necessary radioactive material licenses and other radioactive material, x-ray, and other documents with the exception of those involving enforcement actions.

Greg Oman made a motion that the Board appoints Dane Finerfrock as Acting Executive Secretary during the absence of the Executive Secretary, William J. Sinclair, seconded by Gene White.

**CARRIED AND APPROVED UNANIMOUSLY**

**b. 2003 Legislature (Board information item)**

Bill Sinclair provided a summary of the following bills of interest to the Board discussed by the 2003 Legislative Session, as follows:

**SB172 - Hazardous Waste Regulation and Tax Policy Task Force and Moratorium on Acceptance of Class B and C Radioactive Waste - Curtis Bramble**

This bill created a task force to study radioactive waste, hazardous waste, and commercial solid waste issues in the state, including state policy and an evaluation of fees and taxes imposed on these wastes. The task force is comprised of 16 members of the Legislature. The task force will look at the following issues:

- a. How facilities in Utah that accept radioactive waste or radioactive material for processing or reprocessing compare to other facilities in terms of competitive fees and tax structure;
- b. Evaluation and recommendations regarding whether Utah should accept class B and C low-level radioactive waste, in terms of long-term state policy, relative public health and environment issues, and economic considerations;
- c. The role of interstate compacts regarding radioactive waste and Utah's obligations under the Interstate Compact on Low-level Radioactive Waste of which it is a member;
- d. The long-term management of radioactive waste facilities and radioactive material processing and reprocessing facilities in the state and the perpetual care of those facilities; and (b) evaluation and recommendations regarding policy, fees, and taxes for commercial hazardous waste and non-hazardous solid waste treatment, storage, or disposal facilities, as defined in Section 19-6-102, in Utah, including:
  1. Current fee and tax structures for various types of facilities and types of hazardous waste in the state;
  2. Taxes and fees for comparable facilities and wastes in other states; and the long-term management of hazardous waste facilities in the state and the perpetual care of those facilities.

The task force shall, as funding allows:

- A. Visit a low-level radioactive waste storage facility; and
- B. request information from parties having relevant expertise regarding the issues, as funding allows.
- C. Prepare reports
  1. The task force shall prepare a preliminary report and shall present it to the Executive Appropriations

Committee, the Natural Resources, Agriculture, and Environment Interim Committee, and the Revenue and Taxation Interim Committee before November 30, 2003.

2. The task force shall present a final report, including any proposed Legislation, to the Executive Appropriations Committee, the Natural Resources, Agriculture, and Environment Interim Committee, and the Revenue and Taxation Interim Committee before November 30, 2004.

On page 2 of 7 of the bill is the reference to the moratorium:

On or after May 3, 2003, through February 15, 2005, there is a moratorium prohibiting any entity in the state from accepting Class B or C low-level radioactive waste for commercial storage, decay in storage, treatment, incineration, or disposal.

#### **HB286 - Waste and Tax Fee Amendments - David Ure**

- Increased the fees on radioactive waste from 10 to 15 cents per cubic foot. These fees help pay for the regulatory oversight of the Envirocare facility by DEQ.
- Deleted a lower fee of \$14/ton for treated hazardous waste and raised that fee to \$28/ton to coincide with all other hazardous waste fees.
- Struck down some contract provisions relating to the radioactive waste taxes imposed in 2001, and included mixed waste within the tax structure.
- Imposed new taxes on commercial hazardous waste and nonhazardous solid waste facilities of 3% of the gross receipts. All taxes were earmarked to go to the Uniform School Fund.

Two additional bills received text:

#### **HB143 - High Level Nuclear Shipment Safety - Karen Morgan**

- Modified the Transportation Code by requiring waste generators to purchase a single trip transport and route approval permit for transporting high-level nuclear waste or greater than Class C radioactive waste in the state and required rulemaking by UDOT to accomplish this task.
- Passed the House 61-7-7, never came out of Senate rules.

#### **HB292 - Employment Restrictions on State Agency Employees - Scott Daniels**

- Modified the Utah Public Officers' and Employees' Ethics Act by prohibiting certain state employees (DEQ employees and DEQ Board members) from negotiating for current or future employment with certain regulated entities.
- Never got a Committee hearing.

Seven (7) other bills relating to radioactive waste remained as "boxcar" bills that never received text.

## **VII. PUBLIC COMMENT**

### **a. Comments from the Public:**

#### **Ken Sleight, Sierra Club**

In summary are his concerns and the discussion that followed:

"Ken Sleight said he had concerns regarding the issues on nuclear waste matters in the southern-southeast Utah area. On February 4, 2002, the Olympics opened in Utah and the carrying of the torch from Arches National Park. From there they took it down to Monument Valley. The Native Americans came from all over the Navajo Nation. Nearly 3,000 of them were school children. When I got there I had to walk three or four miles. I had never been so inspired in my life, it seem like the whole Nation had turned out!

After that I hurried back to my truck and went to Bluff. I drove northward towards Blanding. As soon as I got up there, coming up the slope of White Mesa itself, there was a tremendous amount of dust. I saw it towards Blanding, it looked like a big fire there, smoke everywhere. The closer I got to White Mesa, I saw that it was a big plume of dust coming right down the highway towards me. As I approached the village of White Mesa, you couldn't see more than a hundred yards in front of you. It was coming from the White Mesa dump. I went over to Blanding to get a hammer and went to White Mesa and the wind was still kicking up dust. All the dust was coming to the White Mesa area, just lifting it up. I drove up the road and went right into the compound, turned around and did not see anybody around. I went back to the road and took pictures of the big piles of material that they had dumped, radioactive stuff.

How many others have they dumped? We don't know, all coming from those piles. That gust of wind was taking them south. What would of happened? Maybe it didn't happen after I left. That plume went down the highway, right down over the reservation at Bluff. How many does that make, who knows? When I was there at the dump site, I got out and took some pictures. That debris was being scattered, taken from the dump itself and being dumped somewhere else. This is a big item of concern for us.

We talk about emergency response, who's to protect our people? Bringing it from the Tonawanda, dump it, and then this goes off into the air. I asked this Board to do something about it. I wrote to the Governor, asking him what steps are being taken to protect us from this debris? I didn't get a response from the Governor; he sent the letter to Bill (Bill Sinclair). I followed that up with another of my letter not hearing from him immediately, I was very concerned.

I asked what steps should be taken? I did it in the name of the GRAMA law. It wasn't a formal deal; I just said sent it to me GRAMA-wise because we were very concerned. Because this has been happening, it happened off the Atlas Mill. We seem to be zapped all the time. No one seems to be doing anything about it. Nobody seems to care. I haven't had a response from the Radiation Control Board, and don't know if I will.

I just want to say to you it really concerns us that we have to continually eat this stuff and breath this stuff. It's not fair to us. Because we kept talking about this and kept talking about this years ago at Radiation Control Board and Norman Begay sat before the Board and told them about the pollution of the aquifer, all of the other

problems that the White Mesa people were having. It's been on deaf ears. They say that's on somebody else's problem; that's the Federal Government problem. And here we have Homeland Security money going everywhere. Here we're getting zapped down there, and what are you going to do now? What are you going to do now? I ask you, what are you going to do? I'm waiting."

**Discussion by Board Members followed:**

Dianne Nielson said that right now that the Department does not have regulatory authority over this site; however the NRC does. However, once the State has the program for uranium mill tailings in effect, the Department will have regulatory authority to do something. Dianne asked Bill Sinclair to lead the discussion as to what can happen right now and what the options are in taking control of the program.

Bill Sinclair said that anytime a citizen has a concern they can always submit an allegation for regulatory considerations. Bill did not know whether Ken had done this or not, but other citizens had done this on this particular issue. The allegations are fully investigated and corrective actions that are needed are taken into account.

Bill said that they needed to see what is going on. People need to call the State or the NRC when something like this is happening. Bill said that in these blowing incidents, the exact source of the dust needs to be identified.

Bill said that in this area, there is a wide variety of potential sources of dust blowing and it might not just involve the White Mesa Mill. They do have piles of dirt at the White Mesa Mill that are reserved for cover on the tailing pile at closure. The Department does not like that material (dirt for closure) blowing around either, as far as fugitive dust. There are also piles of alternate feed material awaiting processing that require dust control. Dust control measures may not be 100% effective all the time. When there is a wind event of great magnitude, there are typically dust issues. This happens at sites all over the state at times.

Dianne said because of the way the jurisdiction is, NRC needs to make a determination as to what it wants to do. The Department has much more ability to coordinate in terms of managing both fugitive dust that is non-radiologic, and managing radiologic material once this agency (DRC) is in charge of the program.

**Ken Sleight, Sierra Club addressed the Board with the following final remarks:**

"Ken Sleight said he felt that nothing was being done about the dust that was blowing everywhere from the Tonawanda waste piles and felt more should be done to prevent local citizens from breathing this material. We have an emergency response in case of emergency, but no one seems to see this as an emergency. The economic poor get zapped all the time! Over and over, all the time, they are getting zapped. It's irritating as all get out that this is continuing.

Ken said that on April 4, 2003 he found out that the Board was not coming down to Moab to conduct its Board meeting because of budget cuts. Ken asked that instead, the Board give him and his delegation of Navajo people and concerned citizens from Moab three hours to listen to their major issues of concerns."

**IX. OTHER ISSUES**

- a. Next Board Meeting – April 4, 2003, Department of Environmental Quality (Bldg #2), 168 North 1950 West, Conference Room 101, Salt Lake City, Utah 2:00 – 4:00 PM**

**NOTE: There will be an Election of Chair and Vice Chair for 2003 – 04 at the next Board meeting.**

The Board Meeting adjourned at 4:35 p.m.